



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

October 1, 2008

Re: Project: **Lowell School, 1040 Orville Avenue, Kansas City, KS**
Project Number: **18539**

Dear

My review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. Thank you for participating in a conference call with me on August 25, 2008, and for providing revised plans addressing the issues cited by the National Park Service in its denial letter, as well as for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of the Lowell School as proposed in the Part 2 Application reviewed by the National Park Service is not consistent with its historic character and does not meet the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on July 24, 2008, by Technical Preservation Services is hereby affirmed. However, in light of the revised rehabilitation proposal which you submitted to me on August 25 prior to our conference call, I have further determined that the project, as revised, may be brought into conformance with the Standards and thereby be certified, if the corrective measures described below are undertaken.

The Lowell School is a two-story, yellow brick building constructed in 1898, with an addition in 1905 that mirrored the design of the original section of the building. The Lowell School was individually listed in the National Register of Historic Places on January 31, 2008. The rehabilitation proposes to convert the school into twenty-seven housing units.

The Technical Preservation Services Branch (TPS) of the National Park Service, denied certification of the proposed rehabilitation of the Lowell School on the basis that it did not meet Standards 2, 5 and 6 of the Secretary of the Interior's Standards for Rehabilitation because of the following treatments: (1) removal of the historic dormer; (2) insertion of skylights in the roof on prominent elevations; (3) removal of two historic interior staircases and the insertion of an elevator in the main corridor; and (4) the addition of a new staircase to the attic in the second floor corridor. In addition, Technical Preservation Services expressed concern about the location

and design of the proposed new parking structure. Standard 2 states, *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.* Standard 5 states, *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.* Standard 6 states, *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

In response to the denial, you have proposed certain changes to the project prior to our conference call on August 25 (the "August 25 submission"), and have submitted additional information and proposed changes on September 4, 2008 (the "September 4 submission"). These changes help to preserve the historic features and spaces important in defining the historic character of the school. I will address each of the elements of the TPS decision and your proposed changes to the project below.

(1) With respect to the removal of the historic dormer, I agree with TPS that the removal of this dormer will remove a historic feature of the property. This removal would therefore violate Standards 2, 5, and 6, cited above. In your August 25 submission, you have proposed retaining the existing historic dormer. Retention of this dormer meets the Standards and is hereby approved.

(2) With respect to the insertion of skylights in the roof on three elevations of the building, TPS found that the skylights would be highly visible and diminish the historic character of the roof, and therefore did not meet the Standards. I disagree with the TPS decision on this element of the project. I have reviewed the additional information you have provided about the proposed skylights. This information has clarified to me that the skylights will be flat and align with the roof plane. The skylight frames and the glazing of the skylights will be tinted to match and blend in with the roofing material. No skylights are to be inserted in the roof of the primary south elevation and, although the skylights on the east and west side elevations will be visible when they are installed, they should be visually unobtrusive and, thus, should not have a negative impact on the historic exterior character of the school. For these reasons, I have determined that the addition of the proposed skylights on the three secondary elevations will meet Standards 2, 5 and 6, and the denial of this element of the project is hereby reversed.

(3) With respect to the removal of two historic interior staircases and the insertion of a new elevator in one of the corridors, TPS found that these elements of the project violated Standards 2, 5 and 6 because the staircases are important character-defining features and their removal, in addition to the insertion of an elevator, would greatly alter the primary circulation pattern of the historic school. I agree with TPS that the removal of these two historic interior staircases and the addition of an elevator cause the project not to meet the Standards.

In your August 25 submission, you proposed revising the project by only removing one of the historic interior staircases and constructing only one apartment in its place in the northwest corridor and reorienting the new elevator in the same corridor at the rear of the newer portion of

the building. Reorienting the elevator in this corridor will lessen its impact on the interior character of the school. The northwest corridor is essentially a secondary corridor. Although it will be somewhat obscured by the addition of an apartment and an elevator, the most historic and most significant portion of the school corridor, which will retain three staircases, will be preserved in these revised treatments. Thus, I find that these proposed changes to the secondary rear corridor space will minimally meet the requirements of Standards 2, 5 and 6.

(4) With respect to the insertion of a new staircase to the attic in the second floor corridor, TPS found that the concept of a new staircase would violate Standards 2, 5, and 6 because it would result in diminishing the second floor circulation plan. I disagree with the TPS decision. Adding a major new element in a historic interior space, such as the proposed insertion of a staircase in the second floor corridor to access the attic, is never a recommended treatment. My review of this project, however, has shown that in this building, the second floor corridor is not as significant as the first floor corridor which is primary and most important in defining the interior character of the school. Since the first floor corridor is being retained, I have determined that constructing a new, simply-designed staircase in the secondary corridor will, in concept, meet Standards 2, 5 and 6.

In your September 4 submission, you propose a design for the new staircase. Unfortunately, the design proposed is not compatible with the historic character of the building. A new feature added to a historic building must be differentiated and must clearly appear as new. The design that has been submitted for this staircase not only could be confused as historic, but it is also too large and massive which would make it an overly dominant feature. The proposed new staircase therefore continues to violate Standards 2, 5, and 6.

The new stairway could, however, be designed to meet the standards if the following corrective measures are undertaken. The design for the staircase should be relatively plain and simple, and the underside of the staircase must be open to minimize its impact on the historic space. In addition, as I pointed out during our conference call, I remain concerned that inserting two, immediately adjacent staircases will alter the spatial characteristics of this corridor too greatly. A single staircase would have less of an impact on this historic corridor space and should be adequate to meet safety and fire code requirements. The design for this new staircase, which may be wood or another material, should be revised in accordance with this guidance.

Finally, I would like to address the proposed construction of a tenant garage on the former playground. I do not disagree with the concept of adding a garage with covered access into the building. However, the proposed design of a single long building with a gable roof and multiple double garage doors would be incompatible with the character of the historic property and its sloping site, and would violate Standard 2 and 9. Standard 9 states, *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.* To comply with the Standards, the garage design must be revised so that it does not detract from the historic character of the school. This could be accomplished by reducing its size and mass; breaking it into several smaller volumes; articulating or stepping down the facades; pushing it as far back on the site as possible; or a combination of the above. Any revised designs for the

garage should provide information on the materials, front, side and rear elevations, including the enclosed wheelchair ramp, and site plans for the property.

In conclusion, I have determined that that the rehabilitation as proposed does not meet the Standards, but that the rehabilitation could be brought into conformance with the Standards, if the elements of the revised proposal that I have approved and the corrective work that I have outlined are undertaken as I have recommended. I would like to empathize, in reaching my decision that the overall cumulative effect of the project will meet the Standards, I have given weight to several very positive aspects of the project. These include the retention and repair of historic features and materials in the classrooms and in the corridors, and the proposal to use the cloakrooms for bathrooms and utility rooms, thereby making fewer changes to the classrooms themselves. Keeping the original principal's office in its historic configuration as part of the rehabilitation, rather than incorporating it into an apartment, is also an important component in preserving the school's character.

If you choose to proceed with the corrective measures described above, please respond in writing to me and provide an Amendment to the Part 2 Application that describes the corrective work you propose for my review and approval. This Amendment should be addressed to me and sent via express mail to: John A. Burns, Chief Appeals Officer, Cultural Resources, National Park Service, 1201 Eye Street, NW, 7th Floor, Washington, DC 20005. Note that this project will not become a "certified rehabilitation" eligible for the tax incentives until it is completed and so designated.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Burns", with a long, sweeping horizontal line extending to the right.

John A. Burns, FAIA
Chief Appeals Officer
Cultural Resources

cc: SHPO-KS
IRS